

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

HERBERT MURILLO-LOPEZ,

Defendant.

Case No. 1:22-mj-239

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Timothy Alley, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Deputy United States Marshal, I am currently assigned to the Eastern District of Virginia and detailed to the Capital Area Regional Fugitive Task Force (CARFTF). I have been a Deputy United States Marshal (DUSM) since April 2009. As a DUSM I am authorized to investigate violations of the laws of the United States, and I have been involved with several criminal investigations involving violations of federal law. I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the United States. See 28 U.S.C. § 566 (d).

2. As an DUSM, I have investigated and assisted in the investigation of violations of federal law involving failing to register as a sex offender and escape. In the course of conducting these investigations, I have used many different investigative techniques, including: interviewing and serving as the handler for informants and cooperating sources; conducting

physical surveillance; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen registers, caller identification data, social media communication records, as well as other information stored within cellular telephones and social media accounts; conducting court-authorized electronic surveillance including the use of cellular phone technology, cellular towers, and the analysis of historical cellular phone records for the purpose of determining the approximate location from which a phone was used at the particular time or range of times. I am a certified TASER instructor and have received many hours of tactical instruction in regard to breaching and clearing, tactical entries, vehicle maneuvers and basic first aid. I have assisted federal, state and local partners on hundreds of arrest endeavors, within the Eastern District of Virginia and within other judicial districts.

3. The facts in this affidavit come from personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. All observations not personally made by me were relayed to me by individuals who made them or are based on my review of reports, documents, and other evidence obtained during the course of the investigation. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience, I know that it is a violation of Title 18, United States Code, Section 922(g)(5)(A) for an alien who is illegally or unlawfully in the United States to possess a firearm. I submit this affidavit in support of a criminal complaint and arrest warrant charging Herbert MURILLO-LOPEZ (hereinafter "MURILLO-LOPEZ") with possession of a firearm and ammunition by a prohibited person, in violation of Title 18, United States Code, Section 922(g)(5)(A).

PROBABLE CAUSE

IMMIGRATION STATUS AND IDENTIFICATION

1. Immigrations and Customs Enforcement (ICE) agent, John Parodi, took MURILLO-LOPEZ's fingerprints and discovered that MURILLO-LOPEZ did not have any lawful status within the United States of America.

2. MURILLO-LOPEZ was photographed on scene by Fairfax Detective Ramirez and is included below for reference.



3. On or about August 24th 2022, in Loudoun County, Virginia, within the Eastern District of Virginia, MURILLO-LOPEZ was encountered by Fairfax Police, United States Marshals, ICE agents and Loudoun County deputies at a Sunoco station located at 1 Pigeon Hill Rd. Sterling, Virginia, during an attempted warrant service of an individual wanted out of Fairfax County, Virginia, for an armed robbery, malicious wounding and use of a firearm during the commission of a felony.

4. At around 2 p.m. on August 24, 2022, a blue Ford Explorer bearing Virginia tag TXK8590 was seen arriving at 600 S. Concord St. Sterling, Virginia. This vehicle is registered to a Herbert Murillo at 600 S. Concord St. Sterling, Virginia. After a few minutes, two unidentified males exited the 600 S. Concord address and entered the vehicle. Task Force Officers (TFO) were unable to make an identification of the robbery suspect, however TFOs and DUSMs decided to follow the vehicle in an attempt to make a positive identification of the occupants.

5. At 2:15 p.m. the blue Explorer drove into a 7-11 parking lot located in Loudoun County, Virginia, and parked nearest the vacuum and air pump in the rear of the parking lot. DUSMs and TFOs watched as people from another vehicle, which was parked at the gas pumps, walked up to the Explorer. This other vehicle was a black Honda Accord with Ohio tag HXQ-5534. This vehicle is registered to a Mariama Darimy at 40XX Blueglade Dr. Canal Winchester, OH.

6. DUSMs and TFOs further watched as people from both cars went back and forth into the 7-11 store, and to each of the cars. While watching the activity, it was difficult to tell which person belonged to which car because people were going back and forth quickly and freely.

7. At about 2:45 p.m. on August 24, 2022, DUSMs and TFOs watched as the blue Explorer, occupied by three Hispanic males, exited the parking lot of the 7-11 and got onto Nokes Blvd. The black Honda followed the blue Explorer and was occupied by two Hispanic males. DUSMs and TFOs followed both vehicles as they turned into and out of streets without any real direction of travel.

8. At about 3 p.m. on August 24, 2022, the blue Explorer and black Honda were seen parked at gas pumps located at 1 Pigeon Hill Dr., Sterling, Virginia. DUSMs and TFOs observed Hispanic males exit both vehicles, go into the shop and purchase items, and then go back to each of the vehicles, seemingly without care for which vehicle they were previously riding in. At this point it was determined that the DUSMs and TFOs would approach the vehicles with the hopes of identifying the robbery suspect and taking him into custody.

9. At about 3:10 p.m. DUSMs and TFOs activated their emergency equipment and emerged from their vehicles wearing "POLICE" and "USMS" insignias, which were visible on the gear. MURILLO-LOPEZ was sitting in the driver's seat of a Ford Explorer bearing Virginia tag – TXK-8590. DUSM Alley, your affiant, and Fairfax Police Detective Fields approached the driver's side of the Ford Explorer. DUSM Alley made contact with MURILLO-LOPEZ and asked if MURILLO-LOPEZ spoke English. MURILLO-LOPEZ told DUSM Alley that he spoke a little English. DUSM Alley then asked, in English, if there was anything in the vehicle such as guns or drugs. MURILLO-LOPEZ told the officers that there was nothing in the car. In addition, a man named Oscar Medina was sitting behind MURILLO-LOPEZ and was also asked by the officers if there was anything in the car such as guns or drugs. Medina also answered that there was not anything in the car. DUSM Alley then asked both occupants if they had any identification. Both individuals answered that they did not have any ID. DUSM Alley went

back to the driver's window and asked MURILLO-LOPEZ if he had any immigration status in the United States. MURILLO-LOPEZ told DUSM Alley that he was illegal. DUSM Alley then noticed MURILLO-LOPEZ was wearing a blue satchel across his chest. In English, DUSM Alley asked MURILLO-LOPEZ if he could search the satchel for the protection of the officers and the people in the vehicle. MURILLO-LOPEZ agreed and handed DUSM Alley the satchel without hesitation. DUSM Alley opened the satchel and saw a black pistol. DUSM Alley passed the satchel to Detective Fields and then ordered MURILLO-LOPEZ to step out of the vehicle. MURILLO-LOPEZ was placed under arrest by DUSM Alley for suspicion of prohibited persons carrying concealed firearms.

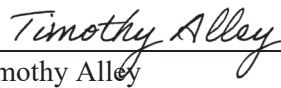




10. Fairfax Detective Fields took the satchel, and removed and made safe the firearm before photographing and running the serial number of the pistol for its status. (Photos are included above.)

11. MURILLO-LOPEZ was transported to the Fairfax Police Headquarters by other officers apart of the operation, where he was interviewed regarding his knowledge of the armed robbery.

Respectfully submitted,



Timothy Alley
Deputy U.S. Marshal
United States Marshals Service

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on August 31, 2022.

  Digitally signed by Ivan Davis
Date: 2022.08.31 17:07:27 -04'00'

HON. IVAN D. DAVIS
UNITED STATES MAGISTRATE JUDGE